

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHARLES GOLDEN,

Plaintiff,

vs.

Civil Action No.

JURY DEMANDED

FFC SEC, L.L.C d/b/a FREDDY'S
FROZEN CUSTARD &
STEAKBURGERS,

Defendant.

COMPLAINT

COMES NOW, plaintiff Charles Golden, by and through counsel, and would show this Court as follows:

I. INTRODUCTION

This is an action for declaratory, injunctive and monetary relief brought by plaintiff, Charles Golden (hereinafter "Charles Golden" or "Mr. Golden"), against his employer, FFC SEC, LLC d/b/a Freddy's Frozen Custard & Steakburgers. Plaintiff alleges, as more specifically set forth below, that he was subjected to unlawful discrimination on the basis of race, age and retaliation, in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq. and Section 706(b) of Title VII and By Section 7(b), 29 U.S.C. §626(b) of the Age Discrimination in Employment Act of 1967 as amended 29 U.S.C. §621 et. seq. "ADEA", which incorporates by reference Section 16(b), 29 U.S.C.

§216, of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 et. seq.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction of the Plaintiff's claim under Title VII pursuant to 42 U.S.C. § 2000e et seq., and Section 7(b) of the ADEA, 29 U.S.C. § 626(b) and 28 U.S.C. § 1337 which provides for injunctive and remedial relief from discrimination in employment.

2. The Plaintiff has complied with all conditions precedent to commence in this lawsuit under Title VII and ADEA by filing a Charge of Discrimination with the Equal Employment Opportunity Commission and receiving a Notice of Right to Sue and is filing within the ninety (90) day period.

3. Plaintiff is a citizen and resident of Memphis, Shelby County, Tennessee and was employed by the Defendant in Bartlett, Shelby County, Tennessee.

4. Defendant, FFC SEC, L.L.C d/b/a Freddy's Frozen Custard & Steakburgers, previously named incorrectly as Freddy's Frozen Custard & Steakburgers (hereinafter "FFC" or "Freddy's"), is a company doing business in the state of Tennessee, with operations located in Bartlett, Shelby County, Tennessee. The Defendant, FFC, may be served with process by delivering a copy of the summons and complaint to its registered agent, C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546. Defendant is an employer as defined by 42 U.S.C. § 2000e and is therefore subject to the provisions of Title VII of the Civil Rights Act and ADEA.

5. Plaintiff is a member of the class of persons protected by the foregoing Act and statute in that Plaintiff is was subjected to comments alleging that he was too young

for a managerial position.

FACTS

6. Plaintiff, Charles Golden, was employed by the Defendant, FFC, in Bartlett, Shelby County, Tennessee, located at 6780 Stage Road, Bartlett, Shelby County, Tennessee. The Plaintiff was employed by Freddy's for approximately two (2) years. During this period of time, the Plaintiff was asked to serve as a Hotline Employee at Freddy's. While employed in this capacity as a Hotline Employee, plaintiff was terminated from his position on the basis of his race, age and retaliation. Plaintiff believes this was in retaliation because his father was complaining about being harassed by his District Manager and other colleagues and filed an EEOC.

7. The sole reason for Plaintiff's treatment was because of his race, age and retaliation from his father filing an EEOC claim. The actions taken by Defendant in this case constitutes unlawful and intentional race discrimination and violation of the Civil Rights Act of 1964. Plaintiff was told that he was too young to do the job, and he was demoted. Such action by FFC constitutes disparate treatment on the basis of race, age and retaliation.

8. Additionally, the conduct displayed by the Defendant constitutes a pattern and practice of discrimination by the Defendant.

9. As a result of the intentional conduct of the Defendant, as set forth above, Plaintiff has suffered actual injury including, but not limited to, loss of income and benefits, as well as extreme humiliation, embarrassment, and mental anguish and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, AND CONSIDERATION OF THE FOREGOING, PLAINTIFF PRAYS that the Court, after service of this action upon Defendants, direct the Clerk to set this matter for trial. Plaintiff further requests a jury to hear this cause, and upon a hearing and verdict thereon prays for the Court to issue a judgment;

1. Finding that the Defendant's actions constituted intentional racial, age related and retaliation discrimination in violation of Title VII of the Civil Rights Act of 1964 and ADEA.
2. Awarding Plaintiff for back pay and benefits in the amount to be determined at trial;
3. Awarding Plaintiff actual and compensatory damages in the amount of \$150,000;
4. Awarding Plaintiff punitive damages in the amount of \$300,000;
5. Awarding Plaintiff pre-judgment judgment interest; and
6. Attorney fees as provided by law.

Respectfully submitted,

TAYLOR & TOON, PLLC

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